

Appln. No. 09/818,376

Attorney Docket No. 10541-499

II. Remarks

Claims 1-25 are pending in the application. Claims 1-6, 8, 9, 13, 19, 23 and 25 have been amended. Claim 14-18 have been cancelled. No claims have been added.

Rejections Under 35 USC § 112

Claim 23 is rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended claim 23 to address the indefiniteness issue kindly pointed out by the Examiner. Applicants assert that claim 23 is now in a condition for allowance.

Rejections Under 35 USC § 102

Claims 1-4, 8 and 10-12 are rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,917,405 issued to Joao (Joao).

Joao discloses a control apparatus for a vehicle having a transmitter system for transmitting a suitable signal upon activation by an operator. The transmitter system is preferably not located in the motor vehicle but rather is located external from and separate from the motor vehicle. The transmitter system is, preferably, a touch tone telephone which may be a line connected telephone or cordless telephone and/or a cellular or mobile telephone. The apparatus also includes a receiver for receiving the signals which are transmitted by the transmitter system. The receiver may be any receiver which is capable of receiving the signals, which

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may be transmitted by the transmitter system. The transmitter system/receiver combination of the apparatus is implemented by a telephone/telephone beeper or pager system which are well known in the telecommunications art. In such a telephone/telephone beeper or pager system, the transmitter can be any touch tone telephone which provides a user interface, in the form of a touch-tone key pad for entering data code, and which may provide a means to transmit a signal, in response to the entered data, to an appropriate receiver device which is typically a telephone beeper or pager and which may be serviced by an appropriate communications service (column 19, lines 5-15 and lines 50-67 and column 20, lines 1-6). Upon receiving the signal, the receiver generates a distinct signal which is indicative of the signal transmitted from the transmitter system. The apparatus includes a controller which is electrically connected to the receiver and transmitter and which receives the signal which are received by the receiver and/or generated by the receiver in response to the received signal (column 40, lines 43-63). The controller also has a transmitter associated therewith for transmitting signals to the transmitter system. Preferably, the controller is electrically connected to at least one or more of the vehicle systems which may include a siren or alarm, vehicle external lights, headlights, tail lights or flashers, power door locks, hood locking system, homing or tracking device (column 22, lines 24-65).

In embodiments of the present invention a method for remotely controlling a vehicle subsystem is provide, as now claimed in claim 1, the method includes:

"sending a first control signal from a remotely located service center transmitter to a vehicle control unit receiver;

transmitting a second control signal indicative of the first control signal from a in-vehicle transmitter in communication with the vehicle control receiver to a vehicle

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subsystem controller having a subsystem receiver for receiving the second control signal; and

actuating the vehicle subsystem in response to the received second control signal."

Further, a system is provided, as now claimed, in claim 8 having:

"a remote transmitter for sending a first control signal from a remotely located service center;

a first in-vehicle receiver in communication with the remote transmitter for receiving the remotely transmitted first control signal;

an in-vehicle transmitter in communication with the first in-vehicle receiver for transmitting a second control signal indicative of the first control signal;

a second in-vehicle receiver connected to the vehicle subsystem and in communication with the in-vehicle transmitter for receiving the second control signal from the in-vehicle transmitter and communicating the second control signal to the vehicle subsystem; and

wherein the vehicle subsystem is actuated in response to the received second control signal."

21 Joao does not disclose or teach, among other things, transmitting a second control signal indicative of the first control signal from a in-vehicle transmitter in communication with the vehicle control receiver to a vehicle subsystem controller having a subsystem receiver for receiving the second control signal. Joao discloses that the Joao controller has a transmitter associated the controller for transmitting signals to the transmitter system and not to an in-vehicle receiver. Thus, Joao does not teach every element or limitation of Applicants' invention, as now claimed in claim 1. Therefore, Joao does not anticipate claim 1 and Applicants' respectfully request allowance of claim 1.

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With respect to claims 2-4, these claims ultimately depend from claim 1 and therefore are allowable for at least the same reasons give above in support of claim 1. Accordingly, Applicants' respectfully request allowance of claims 2-4.

4 With respect to claims 8, Joao does not disclose or teach, among other things, an in-vehicle transmitter in communication with a first in-vehicle receiver for transmitting a second control signal indicative of a first control signal and a second in-vehicle receiver connected to the vehicle subsystem and in communication with the in-vehicle transmitter for receiving the second control signal from the in-vehicle transmitter and communicating the second control signal to the vehicle subsystem. Joao discloses that the Joao controller has a transmitter associated the controller for transmitting signals to the transmitter system and not to a second in-vehicle receiver connected to a vehicle subsystem. Thus, Joao does not teach every element or limitation of Applicants' invention, as now claimed in claim 8. Therefore, Joao does not anticipate claim 8 and Applicants' respectfully request allowance of claim 8.

With respect to claims 10-12, these claims ultimately depend from claim 8 and therefore are allowable for at least the same reasons as give above in support of claim 8. Accordingly, Applicants' respectfully request allowance of claims 10-12.

Rejections Under 35 USC § 103

Claims 5-7, 9, 13-22 and 24-25 are rejected under 35 USC §103(a) as being unpatentable over Joao in view of U.S. Patent No. 6,130,622 issued to Hussey, et al. (Hussey).

Hussey discloses a remote convenience system for remote control performance of a function. The system includes a portable transceiver for remote

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control requests. The system also includes a controller/transceiver for receiving the remote control request and for controller the performance of the requested function. The portable transceiver and the controller transceiver includes security functions for communicating security keys between the portable transceiver and the control transceiver (column 2, lines 8-20). The portable transceiver communicates a function request signal to the vehicle based transceiver to achieve remote control of at least one vehicle system. The function request signals transmitted by the portable transceiver in response to manual input from an operator. Specifically, the portable transceiver includes at least one manipulatable switch (column 4, lines 33-40).

10 With respect to claims 5-7 and 9, Hussey does not disclose transmitting a second control signal indicative of the first control signal from a in-vehicle transmitter in communication with the vehicle control receiver to a vehicle subsystem controller having a subsystem receiver for receiving the second control signal. Additionally, Hussey does not disclose an in-vehicle transmitter in communication with a first in-vehicle receiver for transmitting a second control signal indicative of a first control signal and a second in-vehicle receiver connected to the vehicle subsystem and in communication with the in-vehicle transmitter for receiving the second control signal from the in-vehicle transmitter and communicating the second control signal to the vehicle subsystem. Hussey discloses a portable transceiver for communicating a function request signal to the vehicle based transceiver to achieve remote control of at least one vehicle system. Neither Hussey nor Joao teach or suggest combining the remote keyless entry system of Hussey with the Joao system. Therefore, for these reason and the reasons given above in support of claims 1 and 8 from which

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claims 5-7 and 9 ultimately depend, respectively, Applicants' assert that claims 5-7 are patentable over Joao and Hussey taken together or separately.

3 With respect to claims 13, neither Joao nor Hussey disclose, teach or suggest a method for remotely controlling a vehicle subsystem using a remote keyless entry system, where the method includes: receiving a request at a remote service center to actuate the vehicle subsystem; determining whether the request is valid; transmitting a first control signal indicative of the request from the a remote service center to a vehicle having the vehicle subsystem; receiving the first control signal in the vehicle; transmitting a second control signal indicative of and in response to the first control signal to a controller of the remote keyless entry system; and actuating the vehicle subsystem in response to the second control signal received by the controller of the remote keyless entry system. Joao discloses that the Joao controller has a transmitter associated the controller for transmitting signals to the transmitter system and Hussey discloses a portable transceiver for communicating a function request signal to the vehicle based transceiver to achieve remote control of at least one vehicle system. Thus, neither Joao or Hussey taken together or separately disclose, teach or suggest transmitting a second control signal indicative of and in response to the first control signal to a controller of the remote keyless entry system.

With respect to claims 14-18 these claims have been cancelled.

20 With respect to claim 19, neither Joao nor Hussey disclose, teach or suggest a system for remotely controlling a vehicle subsystem using a remote keyless entry system, where the system includes an in-vehicle transmitter of the remote keyless entry system in communication with an in-vehicle receiver for transmitting a second control signal that is indicative of the first control signal to a controller of the remote

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keyless entry system. Joao discloses that the Joao controller has a transmitter associated the controller for transmitting signals to the transmitter system and Hussey discloses a portable transceiver for communicating a function request signal to the vehicle based transceiver to achieve remote control of at least one vehicle system. Thus, neither Joao or Hussey taken together or separately render claim 19 unpatentable.

With respect to claims 20-22 and 24-25, these claims ultimately depend from claim 19 and therefore are allowable for at least the same reasons as give above in support of claim 19. Accordingly, Applicants' respectfully request allowance of claims 20-22 and 24-25.

Claim 23 is rejected under 35 USC §103(a) as being unpatentable over Joao in view of Hussey as applied to claim 20 and further in view of U.S. Patent No. 6,329,925 issued to Skiver, et al. (Skiver).

Neither Hussey nor Skiver disclose a system for remotely controlling a vehicle subsystem using a remote keyless entry system, where the system includes an in-vehicle transmitter of the remote keyless entry system in communication with an in-vehicle receiver for transmitting a second control signal that is indicative of the first control signal to a controller of the remote keyless entry system, as now claimed in claim 19. Since claim 23 ultimately depends from claim 19, claim 23 is patentable over Hussey and Skiver for at least the same reasons as give above in support of claim 19. Accordingly, Applicants' respectfully request allowance of claim 23.

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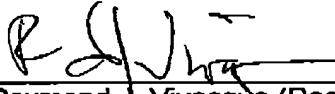
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SUMMARY

Pending Claims 1-13 and 19-25 as amended are patentable over the cited references. Applicants respectfully request the Examiner grant early allowance of these claims. The Examiner is invited to contact the undersigned attorneys for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,

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Date



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